

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LEACH LOGISTICS, INC.,

Plaintiff,

v.

CF USA, INC., *dba*, THE COFFEE
 CHERRY COMPANY,

Defendant.

Case No. 3:21-CV-00237-MMD-CLB

**ORDER GRANTING MOTION ALLOWING
 DISPOSAL OF EVIDENCE AND MOTION
 TO SHORTEN TIME**

[ECF No. 39]

Before the Court is Plaintiff Leach Logistics, Inc.'s, ("Leach") motion for order allowing disposal of evidence and motion to shorten time. (ECF No. 39.) Defendant CF USA, Inc., *dba*, The Coffee Cherry Company ("TCCC") responded, (ECF No. 43), and Leach replied, (ECF No. 44).

Leach asks the Court to enter an order allowing Leach to dispose of certain coffee husk material—which forms the basis of this litigation—without the prospect of spoliation claims at a later date. (ECF No. 39.) TCCC agrees generally with the order requested in Leach's motion, but requests that the Court make additional factual findings. (See ECF No. 43 at 7-9.) The Court declines to incorporate TCCC's proposed factual findings, as they are beyond the scope of what is necessary to achieve the purpose of Leach's motion, which is simply to dispose of the certain coffee husk material without the prospect of spoliation claims.

Accordingly, the Court finds as follows: Leach is in possession of certain coffee husk material ("product") which forms the basis of this litigation. The parties agree that the product has been preserved for sufficient time to satisfy Leach's obligation to preserve evidence for purposes of litigation. Because no request has been made by any party to further preserve the product, and there appears to be no further need to preserve the product for litigation purposes, Leach is no longer required to preserve the product and may dispose of the same. No party or entity having notice of this litigation can claim

1 spoliation because of the disposal of the product.

2 Based on the above, **IT IS HEREBY ORDERED** that the motion allowing disposal
3 of evidence and motion to shorten time, (ECF No. 39), is **GRANTED**;

4 **IT IS FURTHER ORDERED** that the product may be disposed of as of the date of
5 this Order;

6 **IT IS FURTHER ORDERED** that no party may seek or raise any spoliation claims
7 as a result of the disposal of the product; and,

8 **IT IS FURTHER ORDERED** that in light of this Order, the video motion hearing set
9 for 1/21/2022 is **VACATED**.

10 **IT IS SO ORDERED.**

11 **DATED:** January 18, 2022.


UNITED STATES MAGISTRATE JUDGE